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UNITED STATES BANKRUPTCY COURT

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SOUTHERN DISTRICT OF NEW YORK

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In the Matter of:

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RUDOLPH W. GIULIANI,

Lead Case No.

8

Debtor.

23-12055-shl

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- - - - -x

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FREEMAN, et al.,

12

Plaintiffs,

Adv. Proc. No.

13

v.

24-01320-shl

14

GIULIANI,

15

Defendant.

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- - - - -x

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FREEMAN, et al.,

18

Plaintiffs,

Adv. Proc. No.

19

v.

24-01355-shl

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GIULIANI,

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Defendant.

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United States Bankruptcy Court
One Bowling Green
New York, New York

May 14, 2024
11:05 AM

B E F O R E:

HON. SEAN H. LANE

U.S. BANKRUPTCY JUDGE

ECRO: ART

Case Management Status Conference

Doc. #217 Notice of Agenda

Doc. #197 Motion Of The Official Committee Of Unsecured
Creditors Of Rudolph W. Giuliani To Compel The Debtor To (I)
File Delinquent Monthly Operating Reports And (II) File Timely
Future Monthly Operating Reports

Doc. #195 Motion For An Order Modifying The Automatic Stay For
The Limited Purpose Of Allowing The Debtor To Proceed With
Prosecuting And Perfecting The Freeman Appeal Before The D.C.
Circuit

Doc. #220 Amended Application To Employ Kenneth Caruso Law, LLC
As Special Litigation Counsel

Adversary proceeding: 24-01320-shl Freeman et al v. Giuliani
Pre-Trial Conference

Adversary proceeding: 24-01320-shl Freeman et al v. Giuliani
Doc. #5 Scheduling Order

Adversary proceeding: 24-01355-shl Freeman et al v. Giuliani
Doc. #2 Letter Requesting A Pre-Motion Conference

Adversary proceeding: 24-01355-shl Freeman et al v. Giuliani
Doc. #3 Notice Of Pre-Motion Conference

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1 P R O C E E D I N G S

2 THE COURT: Please be seated.

3 Good morning. My name is Sean Lane. I'm a bankruptcy
4 judge here in the Southern District of New York, and we're here
5 for an 11 o'clock hearing in the Chapter 11 case of Rudolph
6 Giuliani.

7 So we'll start, as we always do, with appearances. So
8 let me find out who's here on behalf of the debtor.

9 MR. BERGER: Sure. Good morning, Your Honor. Heath
10 Berger, Berger, Fischhoff, Shumer, Wexler & Goodman, attorneys
11 for the debtor.

12 MR. FISCHOFF: Good morning, Your Honor. Berger,
13 Fischhoff, Shumer, Wexler & Goodman by Gary Fischhoff for the
14 debtor.

15 MR. CARUSO: Your Honor, good morning. Kenneth
16 Caruso. And I'm the proposed special counsel on one of the
17 motions that you have today.

18 THE COURT: All right. Good morning.

19 Let me find out who's here on behalf of the official
20 committee.

21 MS. BIBLO BLOCK: Good morning, Your Honor. Rachel
22 Biblo Block with Akin Gump Strauss Hauer & Feld. And I'm
23 joined by my colleagues Phil Dublin, Abid Qureshi, and Amelia
24 Danovitch.

25 THE COURT: All right. Good morning.

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1 And on behalf of the Freeman plaintiffs.

2 MS. STRICKLAND: Good morning, Your Honor. Rachel
3 Strickland, Willkie Farr & Gallagher, here with my colleagues
4 Aaron Nathan and Jim Burbage on behalf of the Freeman
5 plaintiffs.

6 THE COURT: All right. Good morning.

7 And let me find out if there's anyone else who's in
8 the courtroom here who wishes to make an appearance who's not
9 yet done so.

10 All right. I know we have the United States Trustee's
11 office on the Zoom hearing, so let me get that appearance.

12 MS. SCHWARTZ: Thank you, Your Honor. Andrea Schwartz
13 for the United States Trustee. And thank you, again, Your
14 Honor, for allowing me to participate via Zoom due to my ankle
15 fracture, foot fracture, or whatever I have.

16 THE COURT: All good. All right. And can you hear
17 everyone in the courthouse fine?

18 MS. SCHWARTZ: Yes, I can. Thank you, Your Honor.

19 THE COURT: All right. Thank you very much.

20 All right. So I do have the agenda that was filed on
21 the docket that lists several contested matters. Just to get a
22 sort of a brief overview, those include the motion to compel
23 the filing of monthly operating reports, a motion for an order
24 seeking to modify the automatic stay, this second such motion
25 in this case, and then a retention application for KCL. That

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1 is the Kenneth Caruso Law, LLC as special counsel. So those
2 are the three items listed. There's also a pre-trial
3 conference on for a adversary proceeding.

4 So I am thinking, unless I'm totally misreading the
5 tea leaves, that it makes sense to start with the lift stay
6 motion first, unless there's some preliminary status of the
7 case matters that are worth addressing. But I'm open to the
8 suggestions of the parties.

9 MR. BERGER: Your Honor, Heath Berger.

10 The only status I just wanted to really update the
11 Court with is that we did file the retention application for
12 Sotheby's to be retained in order to sell the debtor's
13 apartment in New York City. I believe that's on towards the
14 end of the month, but I just want to let the Court know that
15 that has been filed. Proceeding forward with counsel. We've
16 all worked out the applications. We're working with the order
17 with the U.S. Trustee's office. So just so the Court knows,
18 that's proceeding at this point.

19 THE COURT: All right. Thank you for that.

20 All right. Anyone have a suggestion for proceeding in
21 a way other --

22 When was that filed?

23 MR. BERGER: That was filed on Monday, I believe, Your
24 Honor.

25 THE COURT: All right. Anyone prefer to proceed with

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1 something other than the lift stay motion first? That seems to
2 be sort of the thing upon which quite a few things hang this
3 morning.

4 So all right. So with that, it's debtor's motion.
5 I'll turn it over to the debtor's counsel.

6 MR. FISCHOFF: Thank you. Good morning, Your Honor.

7 So this is the debtor's motion to modify the automatic
8 stay. As the Court, I'm sure, recalls, we previously had a
9 motion before the Court to modify the automatic stay that
10 authorized the debtor to file post-trial motions and to file a
11 notice of appeal to preserve the appellate right with time
12 expiring. Since that time, the post-trial motions were denied
13 by the district court in DC, and we're now seeking the stay to
14 be modified to authorize the debtor to proceed to perfect the
15 appeal.

16 In the motion, we also asked for authority to file an
17 amended notice of appeal, but on reflection, since the notice
18 of appeal was filed, we believe that the amended notice was
19 encompassed within that. And the debtor did file an amended
20 notice of appeal. So we're not facing that deadline on May
21 15th, but there are the other deadlines faced by the circuit
22 court.

23 So this case -- and by the way, the circuit court,
24 aware of the bankruptcy filing, issued its own order on April
25 18th that said the matter is restored to the calendar and

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1 issued a set of events that are to be followed in connection
2 with the appeal in the district court.

3 THE COURT: Well, let me ask you what happens if the
4 motion isn't granted? I assume, since it is a litigation
5 against the debtor, that it would be stayed by virtue of the
6 bankruptcy.

7 MR. FISCHOFF: Well --

8 THE COURT: I mean, I know what the district court --
9 the circuit did, but at the same time, the circuit --

10 MR. FISCHOFF: Yes.

11 THE COURT: -- saw there was a filing of pleadings in
12 the district court so may have assumed that the stay was lifted
13 for all purposes or it was somehow going forward. That's a
14 busy courthouse down there. So they don't necessarily have
15 time to parse out all the details until they need to do that
16 so --

17 MR. FISCHOFF: If the debtor's motion is not granted,
18 then I believe the debtor doesn't have the authority to perfect
19 the appeal in the circuit court, and that's why we're asking
20 for permission.

21 THE COURT: No, no, but I'm asking a different
22 question.

23 MR. FISCHOFF: Oh, oh, maybe I --

24 THE COURT: So what happens by virtue of that? That
25 case would be stayed, wouldn't it?

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1 MR. FISCHOFF: I believe it's stayed, but the circuit
2 court may have its own opinion. So we're in an area I don't
3 really know what to --

4 THE COURT: Well, no, I'm asking you as bankruptcy
5 counsel.

6 MR. FISCHOFF: Yeah, it's stayed.

7 THE COURT: They issued something for scheduling
8 order. They do that in the ordinary course. That's what
9 they're supposed to do to keep the trains running. So all
10 right.

11 MR. FISCHOFF: I think it's stayed, then, in terms of
12 bankruptcy law and bankruptcy law that we're familiar with. I
13 believe it would be stayed absent the authority of the Court to
14 perfect the appeal, which is consistent with the prior order of
15 this Court that said any further action on the appeal is
16 subject to further order of the Court. And that's why we're
17 here.

18 And this is important to the debtor because obviously
19 the outcome of the appeal -- and we believe there are
20 meritorious grounds for a successful appeal. And this is
21 important to the status of the debtor's case because obviously
22 a 148-million-dollar judgment is this case. There are other
23 claims against the debtor, but if this were sustained or if
24 it's not sustained and perhaps vacated, that will be the
25 fundamental issue in this case.

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1 And lifting the stay so this could proceed is actually
2 beneficial to the debtor's estate and its creditors. I'm a
3 little perplexed why the creditors committee would oppose this
4 because if this large creditor is eliminated or reduced or
5 vacated, whatever the outcome, will have a serious impact on
6 the process of this case.

7 THE COURT: Well, so let's dive into why they might
8 oppose it. So there's the optics of how things have gone based
9 on what I've seen in the papers. And I think I had urged the
10 parties, as I do in all cases, but particularly in cases that
11 have this level of acrimony coming in, to communicate. I
12 encourage parties to communicate with one another.

13 But that doesn't appear to be -- that message doesn't
14 appear to have sunk in. And so I understood from the parties
15 who filed objections that, in fact, they haven't really heard a
16 lot from the debtor and then saw this motion to lift the stay
17 for a second time and are sort of in the dark about other
18 progress on the case. So certainly, that's not a substantive
19 kind of response to your motion, but it does sort of -- various
20 things that happen in bankruptcy court reflect whether parties
21 are talking to one another or not. And I have a stack of
22 papers that reflects people not talking to one another.

23 MR. FISCHOFF: Well, that's not correct because we're
24 in communication, at least with the creditors committee, on a
25 regular basis. And on not as a regular basis, but we are in

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1 touch with the Freeman plaintiffs' attorneys because they have
2 their complaint. They have their motion --

3 THE COURT: Did anyone pick up the phone before you
4 filed this motion to tell them you were going to file this
5 motion?

6 MR. FISCHOFF: I believe I asked for if they would
7 consent, and they said no, which wasn't surprising. So yes,
8 there is communication, Your Honor, and there's a lot of
9 communication.

10 Now, granted, the debtors had some administrative
11 issues with reports. They were unable to get a professional
12 willing to assist the debtor with his financial reporting. We
13 think a process is now in place in order to --

14 THE COURT: But that's what we had heard last time.
15 Right. So the last time we got together, I think April 4th,
16 there was a discussion of the February operating report saying
17 had been filed. There were a couple of questions to the
18 counties on board now, and that turned out not to be the case.
19 So how are we going to prevent this from being a recurring
20 issue?

21 MR. FISCHOFF: So the accountant who had done work
22 pre-petition for the debtor, Joe Ricci, had said, I'm not going
23 to do this. Then he said, okay. We thought we persuaded him
24 to stay and assist. And after that court hearing, he said, no,
25 I'm out. I'm not involved.

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1 We therefore had to set up a process within the debtor
2 and his assistant to try to get us the information to assist
3 preparing the reports. And it took some time. I mean, the
4 debtor has not in the past had to report finances. We believe
5 we have a system in place to get reports timely filed. And I
6 hope that turns out to be correct, but we believe so. And
7 there are some errors in one report that we're looking to
8 correct. But we think that's in place.

9 And then the issue about, well, the debtor's spending
10 down all his resources --

11 THE COURT: Well, what we're going to get to that.

12 MR. FISCHOFF: Okay.

13 THE COURT: That's a whole other sort of area. But
14 let's focus on disclosure first.

15 There's also pointed out one of the oppositions that
16 there was a concern about the schedules, of assets and
17 liabilities, of financial affairs missing key information,
18 being inaccurate, and that they needed to be updated. And at
19 least as of the time of the filing of the opposition that I'm
20 looking at, that had not occurred.

21 What's the status of that?

22 MR. FISCHOFF: Well, the creditors committee has
23 already held one examination of the debtor. We've agreed that
24 there will be another one or if necessary, maybe beyond that.
25 And they're in the process of their discovery through third-

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1 parties --

2 THE COURT: But let me get an answer to my question.
3 My question is have the initial schedules of assets and
4 liabilities and statement of financial affairs been amended?

5 MR. FISCHOFF: I'm looking to my colleague Mr. Berger
6 for the answer to my question.

7 MR. BERGER: Heath Berger, Your Honor. They haven't
8 been amended. We believe that we've disclosed everything. If
9 there's some other stuff, we'll continue to work with the
10 debtor to provide that information.

11 THE COURT: But I understand. So I'm not trying to be
12 clever or hide the ball here. So I'm looking at the motion of
13 the official committee seeking to compel the debtor to file
14 delinquent monthly operating reports.

15 And again, maybe I took the motions in the wrong order
16 so I apologize, but there's a lot of interrelated issues here.
17 And that motion at docket 197 makes reference to a stipulation
18 and an admission by the debtor saying that there are problems
19 and missing key information and containing inaccuracies. And
20 I'm looking at paragraph 4 on page 6 of 20, and that hasn't
21 been updated.

22 And I guess, again, we've had various hearings where
23 we've stressed the need for compliance and financial
24 transparency by the debtor, that that's the whole bankruptcy
25 benefits and burdens speech, which I've given several times

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1 before. And it also has a lot to do with how the debtor's
2 actions are perceived in the court, whether they are honoring
3 their obligations when asking for certain things in the case
4 that they want, that the debtor wants. So that's one of the
5 reasons why I'm asking about this now.

6 MR. BERGER: Understood, Your Honor, and we will
7 whatever needs to get done to fix whatever's outstanding. We
8 do believe that things have been filed.

9 As far as the operating reports, Judge, we did create
10 a system with the debtor on what needs to get done and how the
11 reporting does. As a matter of fact, I have in my possession
12 the April operating report, which I was just waiting for one
13 more piece of backup, which was emailed to me yesterday. So we
14 will have the April operating report filed by the end of the
15 week. So that will be timely.

16 And going forward, I believe, Judge, that we will get
17 everything filed in a timely basis. That is our goal, Judge.
18 Obviously, we know the requirement. We've emphasized it enough
19 to the debtor what needs to get done. And hopefully, at this
20 point, the debtor is on board and now knows how to kind of work
21 on the operating report. And we'll proceed forward that way,
22 Your Honor. But I do have the April one, so that will be filed
23 on time.

24 THE COURT: All right. Continue, Counsel.

25 MR. FISCHOFF: So as I was saying, the motion is to

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1 request that the stay be modified so that the debtor may
2 perfect the appeal. If we were not in bankruptcy court,
3 there's no question that the debtor would be free to pursue
4 this appeal. Now that we're --

5 THE COURT: If you filed a bond, which you didn't do
6 before, right?

7 MR. FISCHOFF: Well, no. You can pursue an appeal
8 without a bond. There would just be no stay. So if there were
9 no stay, then the Freeman plaintiffs would be free to seize the
10 debtor's assets and get a --

11 THE COURT: Right.

12 MR. FISCHOFF: -- and get a leg up on the debtor's
13 other creditors. So the benefit of the bankruptcy --

14 THE COURT: Right, but this isn't an ordinary
15 situation, to be fair. Right. The district court took actions
16 in connection with that based on the record in the trial court,
17 right, that reflected a very conscious decision about the
18 reason for allowing that to happen on a very expedited basis
19 so --

20 MR. FISCHOFF: Well, I saw the order. I don't know
21 what the court was -- what was going on in their mind. But the
22 bottom line is the bankruptcy gives the debtor the opportunity
23 to have the decision addressed on appeal while protecting its
24 assets from one creditor getting a leg up on all the other
25 creditors. So it is to the -- it is to the benefit of the

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1 debtor's estate and their creditors.

2 THE COURT: Well, but you realize you have the
3 committee and the Freeman plaintiffs singing off the same sheet
4 of music. Right. They both oppose the request. So I don't
5 know that they see it the way --

6 MR. FISCHOFF: Well --

7 THE COURT: -- you see it, and that may be for a
8 number of reasons. So let's dive into that.

9 So one of the issues that you look at under the Sonnax
10 factors is whether this is going to lead to a partial or a
11 complete resolution. Your papers say in, I think, a fairly
12 conclusory way that it will, but it's not clear to me why that
13 would be the case.

14 MR. FISCHOFF: Okay. Well, first of all, I can
15 understand why the Freeman plaintiffs are opposed to the relief
16 we request because they may know the same things that the
17 debtor's now aware of that we believe that this judgment is
18 subject to attack on appeal. And the final resolution is
19 whether or not the appeal sends it back for further proceedings
20 or makes a final judgment. It's still a -- will be a
21 resolution of the issue. It's not --

22 THE COURT: But I think that's -- again, you say that
23 as a conclusion, just like your motion says it. I don't know
24 that that's true. I don't know that it's a conclusion. So I
25 think your best case scenario for the debtor is that you win,

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1 and then you go back on a remand to the district court. So I
2 don't think there's any --

3 MR. FISCHOFF: Well, that's all --

4 THE COURT: -- I don't think there's any conclusion in
5 sight. I mean, if you lose, there's a conclusion in sight
6 absent a petition for cert. But there is -- particularly on
7 this record, it seems hard to conceive that an appeal, if your
8 client prevails in some form or another, would be the end of
9 the story. So how is the -- again, you've said that a couple
10 of times, and I'm really not following how that's the case.

11 MR. FISCHOFF: So it may not bring a quick resolution,
12 but it will bring a final resolution. And that's only one of
13 the Sonnax factors.

14 THE COURT: But you keep using this word "final", and
15 to quote The Princess Bride, I don't think it means what you
16 think it means. I don't think it brings a final resolution at
17 all. I think the best it could be is it brings a one step in a
18 long road, but I don't think it brings a final resolution.

19 MR. FISCHOFF: Well, that may be correct, Your Honor,
20 but the point I'm trying to say is there are other factors.
21 That's not the singular factor in determining. There are other
22 factors in Sonnax to determine it, including whether this
23 appeal will prejudice other creditors. And in this particular
24 case, it might prejudice one set of creditors.

25 THE COURT: But isn't that something that the

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1 committee is more than able to look out for those folks?

2 MR. FISCHOFF: Well, I'm perplexed why the committee
3 is actually against this relief.

4 THE COURT: Well, I'm actually not that perplexed, and
5 they'll speak for themselves in a minute. But as I understand
6 it, their concern, and we might as well just dive into it now,
7 is that precious little else is happening in the case other
8 than the appeal and that the appeal has become for the debtor
9 the case.

10 Certainly, we have all seen in bankruptcy instances
11 where a case is motivated by a judgment that's entered against
12 the debtor. Almost uniformly, in my experience, those cases
13 not only pursue some appeal, but they also pursue other
14 avenues, recognizing that whether it's -- or there's often a
15 requests for mediation. There's often requests for -- there's
16 other things going on. And I think, as I understand it, the
17 committee's concern is that there's not a whole lot going on.

18 MR. FISCHOFF: Well, if I may answer that, there's
19 actually --

20 THE COURT: Yes, please.

21 MR. FISCHOFF: -- a fair amount going on. The
22 committee is conducting a wide-ranging investigation of
23 possible causes of action or recoveries against various third
24 parties. They've issued numerous --

25 THE COURT: Yeah, but you can't rely on what the

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1 committee's doing. They're talking about precious little is
2 going on on behalf of the debtor other than wanting to pursue
3 the appeal.

4 MR. FISCHOFF: Well, so --

5 THE COURT: I mean, it's May, and we finally have, I
6 guess, as of yesterday, the application for the broker.

7 MR. FISCHOFF: Well, yeah. Well --

8 THE COURT: And that's taken a while.

9 MR. FISCHOFF: Yes, it has. And there are a lot of
10 parties having input on that, but it's finally coalesced into
11 the filing. And that's going to proceed.

12 And the debtor is working, and the debtor advises that
13 he has some additional work lined up. And he hopes to be
14 replacing any lost income. I'm sure we all saw in the
15 newspapers last week that his WABC contract was terminated, but
16 he advised us he has some new things on the horizon and hopes
17 to be generating income above and beyond what was lost in that.

18 So I mean, this is not a large business where there's
19 a lot of things going on. And yes, this freemen judgment is a
20 fundamental part of the case. The major asset the debtor
21 intends to sell is now up for sale. Hopefully, there'll be a
22 buyer in short order and that can be closed and the money
23 placed in escrow. The creditors committee is conducting their
24 discovery.

25 I mean, there's mediation. I don't think the Freeman

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1 judgment is up for mediation. I mean, they have a judgment,
2 and they want to -- they want their judgment to stand. So
3 we're moving on that.

4 We have replacement special counsel scheduled for the
5 hearing today so that we can have a fresh set of eyes. Look at
6 what took place in order to pursue that legitimate appeal.

7 So it may seem to be moving slow, but there's a lot
8 going on behind the scenes, and I think the debtor is making a
9 good faith, solid progress towards this case being resolved. I
10 mean, every step of the way requires input from the various
11 parties and does take a little time. And so I think it's in
12 the best interest of the debtor to pursue this. And I think
13 there's no prejudice to the creditors or the estate at this
14 point to pursue it.

15 My only question is, you have to wonder why do the
16 Freeman plaintiffs not want this matter resolved on appeal? Do
17 they have something to fear what will happen on appeal? I
18 can't say. But on the other hand, they say they want a swift,
19 prompt resolution --

20 THE COURT: Well --

21 MR. FISCHOFF: -- but they're delaying the process --

22 THE COURT: -- those comments seem incredibly odd,
23 given the record in the district court in DC and your client's
24 behavior in that case. Perplexing is a very kind way to say
25 it. But there's an extensive record of your client's behavior,

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1 which the district court found exceedingly problematic. And
2 again, I'm using a lot of -- I'm using a lot of kind
3 adjectives.

4 MR. FISCHOFF: So --

5 THE COURT: One could choose a lot of less kind
6 adjectives. And certainly, the district court did. So but the
7 notion that the -- I mean, I don't really understand, other
8 than perhaps your client wants you to say things like that,
9 what the point is of those comments --

10 MR. FISCHOFF: So there were --

11 THE COURT: -- and what you hope to gain by delving
12 into that. I just am -- I'm mystified.

13 MR. FISCHOFF: So Judge, there were two things that
14 occurred in that trial, as I understand it. One was finding of
15 facts and one is application of the law. On appeal, the
16 application of the law is the issue that would be on appeal,
17 not necessarily the factual findings. And I'm not the
18 appellate counsel. We have proposed appellate counsel. I'm
19 not sure this is the right time for him to talk about the exact
20 issue --

21 THE COURT: No, that's not what we're -- that's not
22 what we're here for. But I'm just taking issue with -- I'm
23 saying I think it's probably an unwise conversation for you to
24 want to have to start to get into the nitty-gritty of what
25 happened in the district court in DC. Regardless of what the

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1 court does on appeal, it's not a very kind record for your
2 client.

3 MR. FISCHOFF: Well, I think, one of the points that
4 the plaintiffs want is they want to say that the findings in
5 the district court, the judgment in the district court, should
6 estop the debtor from raising any of those issues in this case.

7 THE COURT: But I thought we were just going to stay
8 away from this.

9 MR. FISCHOFF: Oh, okay.

10 THE COURT: I mean, do you want to get into it? I
11 mean --

12 MR. FISCHOFF: No, no, no. But what I was just going
13 to say is that --

14 THE COURT: Okay. So let's move on to the other stay
15 issues.

16 MR. FISCHOFF: Okay. I was going in a little bit
17 different direction, but that's okay, Your Honor. So really,
18 the essence --

19 THE COURT: Because I mean, just to put a coda on it,
20 it's certainly in the oppositions, the notion that the very
21 sort of arm's length discussion about the appeal and assessing
22 things on appeal is somewhat -- again, I'll use the term odd,
23 given your client's refusal at various points to even
24 participate in the case and the findings of fact that are made
25 against your client by the district court in light of that

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1 course of action.

2 So it is one of the elephants in the room in terms of
3 talking about the proceedings in the District of Columbia, that
4 we're talking about the appeal is if it's a garden variety,
5 normal case, but the record in it is really not a normal kind
6 of record. So I mean, again, if you want to talk about it
7 further --

8 MR. FISCHOFF: No.

9 THE COURT: -- we can do that.

10 MR. FISCHOFF: So this is obviously not a garden-
11 variety case. But I do think, notwithstanding that, that the
12 debtor should be afforded the full and fair opportunity to have
13 his appeal heard and a determination made. Maybe he loses and
14 it is a final resolution, or maybe it's sent back for further
15 proceedings. But Sonnax is a flexible standard, and there's
16 other standards other than whether it's going to result in a
17 final resolution or an immediate resolution, which it most
18 likely will not. But it still doesn't --

19 THE COURT: So what do you say to the parties who say
20 that the approach by the debtor seems to be the appeal and that
21 we're going to wait till that runs its final conclusion and
22 that that could take years? So even if you -- again, even if
23 you're successful, that means a remand. And so what's your
24 response to that in terms of what should happen in the
25 bankruptcy while all that's going on?

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1 MR. FISCHOFF: Well, so I think the case can still
2 proceed in tandem while that's pending. There are some assets
3 to be marshaled, and there's discussions with the committee
4 about a proposed plan with a contingency on the outcome of the
5 appeal. But I think that can move forward.

6 At the same, I'm hopeful that the liquidation of the
7 New York apartment can happen relatively quickly. There has to
8 be a discussion about the Florida asset. I mean, those are
9 really the two assets in this case. To the extent that there's
10 substantial value for creditors, that's not going to change all
11 that much regardless of the outcome of the appeal. It may
12 affect distributions, but the marshaling of the assets can
13 continue simultaneously. And I think that's the debtor's
14 intention to do that, so we're in the --

15 THE COURT: So where does the adversary proceeding on
16 nondischargeable fit into all this, from your point of view?

17 MR. FISCHOFF: Well, the nondischargeability, there's
18 a motion for summary judgment pending. We filed our opposition
19 last week. The reply, I believe, is due next week, I think.
20 And then it'll be scheduled for a hearing before the Court.
21 And that will obviously have an impact, and that's moving
22 ahead. But even if summary judgment is granted, it's still
23 later subject to -- if on appeal something is vacated, then the
24 summary judgment, which is basically premised on collateral
25 estoppel and res judicata, would be impacted.

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1 But that's proceeding. There's another complaint
2 filed that was just filed. I think there was an agreement as
3 to a briefing schedule. And the debtor's considering its
4 options.

5 THE COURT: So but let me ask you about that. Again,
6 one of the elephants in the room is the application of the
7 usual principles to cases that all have their own facts, and
8 some of the facts here are quite out of the ordinary. And that
9 second adversary proceeding is very disturbing in the
10 allegation that it makes that the debtor has continued to
11 statements of the sort that were the subject of the defamation
12 lawsuit.

13 And that seems to inconsistent with everything the
14 district court did and concluded and also seems to show a
15 troubling attitude vis-a-vis the law and the court system. And
16 that sort of is the noise playing in the background as we
17 discuss these principles that we discuss in all sorts of cases
18 with much more mundane facts.

19 So what am I supposed to -- for purposes of the motion
20 to lift stay, what am I supposed to take, if anything, from
21 that?

22 MR. FISCHOFF: Well, in concept, the idea that the
23 debtor is not supposed to be repeating statements that have
24 already been judged to be defamatory seems appropriate. That
25 being said, some of those findings may or may not be modified

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1 at the conclusion of an appeal. But for now, in --

2 THE COURT: But does that evidence and approach to the
3 law that's an a la carte approach say I'm going to do that
4 because I want to do that, but this other thing that the law
5 requires or says, I don't want to do that --

6 MR. FISCHOFF: No, I --

7 THE COURT: Well, again, you have a decision on
8 appeal. The idea to have it on appeal is to get it reversed.
9 But until it is reversed, it is the decision of a district
10 court.

11 MR. FISCHOFF: I agree. I agree.

12 THE COURT: And well, I know you agree, but does your
13 client see it that way?

14 MR. FISCHOFF: I hope so.

15 THE COURT: All right. I guess we'll get to that to
16 later on today. But so let me ask you, any other comments you
17 want to make on the motion to lift stay?

18 MR. FISCHOFF: I think I've covered it. I think I've
19 covered it. I think the Court understands the debtor's
20 position. So I would just like to reserve some reply or
21 rebuttal time at the conclusion of the Court's hearing of the
22 objections.

23 THE COURT: All right. Thank you.

24 All right. I'm sure you've chatted with one another
25 as to who's going to start off.

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1 MS. STRICKLAND: Good morning, Your Honor. Rachel
2 Strickland, Willkie Farr & Gallagher, on behalf of the Freeman
3 plaintiffs.

4 You used very kind adjectives. I think the way I
5 would put it is Mr. Giuliani is hiding out in Chapter 11,
6 living in two multimillion-dollar homes, one in Florida, one in
7 New York. He's not fulfilling any of his obligations as a
8 debtor-in-possession. He's not doing anything to maximize
9 value. He's reversed maximizing the value. He is making
10 defamatory statements every single day, which is what he said
11 on the Rudy Giuliani Show yesterday in bragging about his
12 continued defamation of my clients. He is rope-a-doping
13 everyone.

14 Your Honor asked debtor's counsel whether or not we've
15 all been talking. We've been talking. For several weeks,
16 debtor's counsel told us they were going to stipulate to
17 nondischargeability. And then, weeks later, after we were
18 going back and forth on what that would look like, they said,
19 only kidding; our client has changed his mind.

20 The other conversations we have are that every time
21 there's a deadline, they wait until the very last minute, and
22 then they call us and they ask us for an extension of that
23 deadline. They talked a lot about if there were no bankruptcy,
24 they could appeal. Exactly. There were no bankruptcy, they
25 could appeal. But then it would be harder for their client to

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1 just hide out.

2 So I do think that there's a lot going on behind the
3 scenes. I just don't think any of it is good. I think all of
4 the professionals in this room, and certainly Your Honor, have
5 been involved in cases with hundreds of millions of dollars in
6 operations in large restructurings that have restructured in
7 the entire time we've been sitting here.

8 During the time that we've been sitting here, what's
9 happened in this case are there have been two stay relief
10 motions, four retention applications, payments to professionals
11 that haven't been retained, a motion to extend exclusivity, and
12 that's it. They have done nothing. They have sold nothing.
13 They have settled nothing. They are -- there's no "they're".
14 He, Mr. Giuliani, is going in the wrong direction in terms of
15 being able to actually work and make money. He is deliberately
16 flouting his employers' restrictions and getting fired.

17 THE COURT: So I agree with you that I am disturbed
18 about the status of this case. The question is, as it always
19 is in bankruptcy court, where do we go from here.

20 MS. STRICKLAND: Sure.

21 THE COURT: What's the right things to do?

22 MS. STRICKLAND: Yep.

23 THE COURT: And in that context, what does that mean
24 for the motion to lift the stay?

25 MS. STRICKLAND: Well, Your Honor asked what will

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1 happen if the motion is denied. Nothing's going to happen.
2 It's stayed. When the clerk of the DC Circuit put out what was
3 a very standard, hey, I saw you filed a notice of appeal; now
4 it's time for notices of appearance, statements of conflict,
5 and the statement of issues, the normal response of a debtor
6 would be to send a notice of stay.

7 THE COURT: Right.

8 MS. STRICKLAND: We wrote to Mr. Berger on May 2nd and
9 said, hey, why don't you notify the clerk this is stayed
10 because this is just a --

11 THE COURT: Well, the clerk is also going to send that
12 up because they saw the notice of appeal --

13 MS. STRICKLAND: Of course.

14 THE COURT: -- and assumed that nothing's stayed.
15 Right.

16 MS. STRICKLAND: But there's no fake emergency that
17 should govern this. So I think Your Honor is going to find
18 that our clients' claims are nondischargeable. They're going
19 to have to be dealt with one way or the other. They could
20 offer to settle it. They could do a million things. But just
21 taking a year or two to appeal and setting everything on ice
22 doesn't make a whole lot of sense.

23 THE COURT: But let me ask you about that. In a
24 traditional restructuring approach, you say we're going to do a
25 lot of things at the same time. Right. We hear a lot about

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1 we've got this track, we've got that track, we've got this
2 potential plan, then we've got this other plan that's a toggle
3 plan. Right. That's what bankruptcy professionals --

4 MS. STRICKLAND: Yeah.

5 THE COURT: -- do is a lot of multitasking. And so if
6 you thought of this for a second outside of the highly
7 inflammatory context in which it exists, you might say, well,
8 we're going to pursue the appeal. And at the same time, we're
9 going to have a mediation. At the same time, we're going to
10 be -- we're going to have already been showing the property.

11 So I'm trying to sort of look at -- I'm trying to
12 understand the motion to lift stay in that context. That is
13 that it seems that a significant part of the objections are,
14 quite reasonably, there's no progress in the case, that this is
15 the only thing that's happening and that's inappropriate. And
16 that's sort of a case issue but is a bit of sort of an odd fit
17 when thinking about the Sonnax factors. Right.

18 So how do you think about that --

19 MS. STRICKLAND: Sure.

20 THE COURT: -- for purposes of your opposition?

21 MS. STRICKLAND: So I'll put myself in the shoes of
22 debtor's counsel. If I were debtor's counsel, the first thing
23 I would have done a long time ago is called me up and said,
24 will your clients take five million dollars? Your clients take
25 ten million dollars? Can we work out a payment plan?

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1 I'm not going to waste the rest of my life losing in
2 court, unless my real objective is to actually do nothing to
3 resolve any claims of anyone that I've harmed with my own
4 willful, malicious statements. And instead, what I want to do
5 as a significantly older person is hide out in my fancy condos
6 in two places and use the automatic stay and use the bankruptcy
7 process as a sword and a shield and a tactical litigation
8 advantage.

9 I would have sold my homes. I would have told my
10 client, you have an obligation to file your MORs. We can't pay
11 people that aren't court-retained. We're going to sell all of
12 this stuff. And sorry, sir, you're in Chapter 11. You can
13 live in a one-bedroom apartment somewhere that isn't super
14 fancy. That's what debtors do.

15 THE COURT: Well, but you're talking about the case at
16 large, right? And I get that.

17 MS. STRICKLAND: Not just at large, Your Honor.

18 THE COURT: But I guess -- but I'm trying to
19 understand what it means for purposes of the motion to lift
20 stay. Where does it fit into the Sonnax factors in cases about
21 lifting the stay, right, because --

22 MS. STRICKLAND: Yeah.

23 THE COURT: So that's my question is sort of the
24 intellectual architecture for that.

25 MS. STRICKLAND: So I'm happy to do it in reverse.

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1 And we have briefed the Sonnax factors in a --

2 THE COURT: Yes. Yeah, I have -- right.

3 MS. STRICKLAND: -- nonconclusory manner, and I'm
4 happy to take you through the Sonnax factors.

5 THE COURT: But I'm sort of asking sort of a -- and I
6 have your going through the factors --

7 MS. STRICKLAND: Yeah.

8 THE COURT: -- but I'm sort of asking a little bit of
9 a different question, which is if the lack of progress is one
10 of the significant concerns in connection with this motion, and
11 perhaps even the most significant concern, putting aside the
12 sort of more rote or routine application of Sonnax factors, how
13 do you see it conceptually? That's what I'm --

14 MS. STRICKLAND: Right.

15 THE COURT: -- really trying to get at.

16 MS. STRICKLAND: I don't. I don't think that any of
17 the relevant Sonnax factors are met here. And there are going
18 concern businesses with employees where the court has said this
19 litigation is a roadblock for your ongoing business and is
20 going to jeopardize the estate. You should get a lift stay,
21 even without a bond in some of these scenarios, because
22 otherwise the going concern and the people it employs are not
23 going to be able to go forward to deal with the cases.

24 That's not what we have here. We have a guy hiding
25 out in his apartment talking into a microphone racking up

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1 administrative expense claims. So I don't think that the
2 pursuit of the appeal moves the needle for anyone because he's
3 going to ultimately lose everything, and whether you think that
4 or you don't doesn't matter. It's years down the road. And
5 Chapter 11 isn't a place to just hide out, spend all your
6 money, and wait. You have to do those things. So I don't
7 think they hit any Sonnax factor. None of them.

8 THE COURT: So let me then back up. I think, if I'm
9 understanding your response correctly and sort of marrying it
10 to the question and the concern I was thinking about, I guess
11 your point is, Judge, don't worry about it. He doesn't meet
12 the Sonnax factors anyway. And so the case has problems.
13 We'll deal with that in the context of the case. And the
14 motion has problems in the context of Sonnax, and we'll deal
15 with it in the context of the relevant Sonnax factors.

16 MS. STRICKLAND: Yeah. I think the litigation stays
17 on ice because I believe it is nondischargeable. It's going to
18 live forever until it is settled or otherwise dealt with. And
19 going through the machinations is just giving him a litigation
20 shield and an excuse why he's not moving on with the regular
21 things that debtors do.

22 Again, it's bizarre to me that it hasn't even occurred
23 to them to have a settlement conversation, and it's because
24 that's not their goal. Their goal isn't the resolution of any
25 of these problems. And we know that because you just have to

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1 listen to Mr. Giuliani. Yesterday, he said, I talk about this
2 every day. He has defamed them over and over again. On Friday
3 of last week, he talked about double, triple, quadruple
4 counting. He is actively building liabilities.

5 So I think where this case is ultimately going is a
6 trustee. I think where it's ultimately going may be dismissal.
7 There's a lot of things that should be happening here, but it
8 shouldn't be a fat cat sitting out in two fancy apartments
9 defaming people into a microphone.

10 He's not employing anybody. He doesn't have a
11 business. We didn't hear about his prospects for making money.
12 He's got two apartments. So if all he has, which is what we
13 just heard from debtor's counsel, is two apartments, if we all
14 can restructure companies with hundreds of millions of dollars
15 in four weeks, they can sell two apartments. He can live
16 somewhere cheaper.

17 So the motion, I blacklined it against their first
18 motion, not a lot of lawyering going on between motion 1, which
19 Your Honor said, and I think this was a quote, doesn't deliver
20 the mail and acknowledged that but for our offer to allow some
21 form of stay relief, which we affirmatively put in our papers,
22 he would have just had it denied because he didn't meet his
23 burden. So it starts with the burden. Burden not met yet
24 again.

25 They said nothing in their pleading that actually

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1 establishes cause. They didn't bother to do anything other
2 than list the factors. They didn't evaluate them. So it's a
3 loss on the first question. It's a loss on the second
4 question. If Your Honor goes through the Sonnax factors, they
5 lose again. There is no way that this is something that
6 resolves the cases. There is no way --

7 THE COURT: Well --

8 MS. STRICKLAND: Yep.

9 THE COURT: -- I'm sorry to interrupt, but let me ask
10 you for your view on something I asked debtor about, which was
11 your nondischargeability adversary proceeding. And I think the
12 question I have for you is how does that factor into the Sonnax
13 inquiry into complete or partial relief. Right. I mean, I am
14 assuming that from your point of view that the
15 nondischargeability proceeding says a lot about how meaningful
16 or not for bankruptcy purposes the appeal is. But I'd
17 appreciate it if you would sort of fill out that picture for
18 me.

19 MS. STRICKLAND: Sure. I don't think it's ever going
20 away until it's settled or until it's paid or until he dies. I
21 don't think it's going away. So focusing and putting all the
22 eggs in the basket that's never going away, you're not ridding
23 the case of overhang. The overhang is why he's here.

24 And I can't imagine, after he has conducted himself
25 the way he did in the district and continues to conduct

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1 himself, every day in his own words, until then, we know how
2 the movie ends. The question is, is anyone going to hold him
3 accountable to do the things he is required to do as a debtor
4 and actually take the steps necessary to satisfy anyone of any
5 obligations during this time.

6 So I don't see a scenario where -- I mean, Your Honor
7 I think said the very first time we appeared before you, just
8 looking at the stipulations, that this looks like a duck.
9 Quacks like a duck. This thing is nondischargeable. Everybody
10 thinks so, including, for several weeks, debtor's counsel.

11 But it's not going away. So why are we acting like
12 this is a big movable piece that's going to solve the puzzle?
13 It is the puzzle.

14 THE COURT: Well, but in terms of that case moving
15 forward and the adversary proceeding moving forward on summary
16 judgment, is there a logical sequencing of events in terms of
17 the way they relate to each other and the way they relate to
18 what can be accomplished in bankruptcy for purposes of this
19 motion?

20 MS. STRICKLAND: I think this motion is just a delay
21 tactic. I don't think it moves the needle in these cases at
22 all. I think that when a guy has two apartments and a
23 dwindling radio income, he should deal with his two apartments.
24 Deal with his dwindling radio income. But if he actually does
25 that, if he proposes a plan and people get money, the things

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1 that are nondischargeable are still there. He'll deal with it
2 however he has to deal with it in the future. Then he has the
3 freedom to appeal to his heart's content. Right.

4 And if other people are paying the legal fees, that's
5 not an impediment. If I were Giuliani, if I wanted what his
6 counsel said he wanted, I would deal with that plan lickety-
7 split. I would pay out the people whatever shekels I could get
8 from it. And then I would exit Chapter 11, and I would appeal
9 and clear my name. Isn't that what he says he wants? It
10 isn't.

11 If he'd wanted that, he didn't have to file it all, or
12 he could have come in with a plan to sell his only two assets,
13 live wherever he's going to live, talk on the radio in the way
14 that's the most profitable for him, and get out. That's the
15 tell. Every single thing he says or his counsel says that he
16 wants could have been achieved already in the four weeks that
17 we've been here. Then he's free to pay his girlfriend's Amex
18 cards. He's free to pay professionals that are not retained in
19 the court.

20 What they are saying and what they are doing are two
21 very different things. If all this man wants to do is deal
22 with other creditors other than the Freeman plaintiffs and pay
23 what he owes, he should have sold that apartment a long time
24 ago. He should be having settlement conversations with people.
25 He should prepare a plan, which probably could be drafted on

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1 three single-sided pages, given the amount of assets this man
2 has, and then exit Chapter 11 and appeal. Appeal forever.
3 That's okay.

4 THE COURT: All right. Anything else, Counsel, on the
5 motion?

6 MS. STRICKLAND: I don't think so, Your Honor.

7 THE COURT: All right.

8 MS. STRICKLAND: Thank you.

9 THE COURT: Thank you very much.

10 Anything from the committee?

11 MS. BIBLO BLOCK: Your Honor, Good afternoon. Rachel
12 Biblo Block with Akin Gump Strauss Hauer & Feld on behalf of
13 the official committee of unsecured creditors.

14 I'm a little perplexed by some of debtor's counsel's
15 statements because the debtor filed this motion with no heads
16 up to the committee, ignoring the Court's guidance and common
17 sense that the committee should be involved in this.

18 Ultimately, this course of conduct is more of the same. And
19 I'm not sure it's particularly constructive to get into this,
20 but a few things that we have asked the debtor for or tried to
21 do with the debtor that have gone unanswered.

22 We sent a letter about the debtor's compensation that
23 doesn't appear on the MORs. We didn't get a response. We sent
24 the debtor an email, the debtor's counsel an email, about
25 Amazon and Apple charges, five, six, seven a day. Didn't get a

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1 response. Following the April 4th hearing, we sent them a
2 budget proposal to try to deal with the comments that you said
3 earlier at the hearing about using exempt assets to pay for the
4 Florida condo. They indicated that he would be receptive, but
5 then we got no response. We filed a letter asking the debtor
6 to do something. We submitted a letter asking the debtor to do
7 something about unauthorized payments. No response.

8 So again, this is just more of the same from the
9 debtor. The second stay motion is a carbon copy of the first,
10 and it has the same fatal flaws. The debtor failed to meet his
11 initial burden, application of the Sonnax factors weighs
12 against modifying this stay, and the requested relief conflicts
13 with central tenets of bankruptcy law. The debtor's analysis
14 of the Sonnax factors is exceedingly and surprisingly brief,
15 and it frankly doesn't comport with logic.

16 Saying that an appeal would accelerate the debtor's
17 exit strategy when the timeline for conclusion of any such
18 appeal is unknown, it doesn't make sense. Saying that a full
19 and fair resolution requires that this judgment be reversed or
20 modified, it doesn't make sense. The judgment has been
21 repeatedly found to be valid. And are we going to wait forever
22 for a resolution in order to move this case forward.

23 What is clear from the debtor's analysis is that he
24 has not considered, and he does not want to consider, any other
25 means for resolving these claims. Instead, he wants to pursue

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1 the appeal, choosing to participate now after years of refusing
2 to do so.

3 Your Honor, I know you read the papers, and I know
4 that you've seen our application of the Sonnax factors, but I
5 did want to highlight two in particular.

6 The second factor, whether there's any connection or
7 interference with the bankruptcy case. Thus far, the debtor
8 has shown himself to be unable to focus on more than one thing
9 at a time and he has chosen to focus nearly exclusively on the
10 Freeman litigation. The debtor fixed dates on this litigation,
11 ignoring everything else, including complying with statutory
12 deadlines and disclosure obligations, carrying out his
13 fiduciary duties, and making progress toward the
14 reorganization.

15 Factor 12, the impact of the stay on the parties and
16 the balance of harms. For the committee, the most critical
17 issues underlying the debtor's requested relief are that it
18 will distract from the debtor -- distract the debtor from
19 reorganizing and enable him to further delay taking steps to
20 progressive Chapter 11 case, and it will take a long time to
21 litigate to resolution. In the event he is allowed to proceed
22 at this time with an appeal, creditors face the real risk that
23 the debtor will continue spending his limited assets to fund
24 his opulent lifestyle in an unending bankruptcy case, delaying
25 resolution of all of his creditors' claims and delaying their

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1 days in court.

2 The debtor wants this authority from this Court to use
3 automatic stay in all kinds of ways that are contrary to the
4 bankruptcy process and the integrity thereof. The debtor wants
5 to use automatic stay as a weapon against the Freeman
6 plaintiffs, as a pause button for his bankruptcy case, and as a
7 means to delay for as long as possible his other creditors'
8 days in court. He continues to show that he has no serious
9 intentions for his bankruptcy case.

10 The committee refuses to remain on this hamster wheel
11 of having the same fights with the debtor, who refuses to learn
12 from his mistakes, makes no adjustments to account for the
13 committee's concerns, and continue doing exactly what he wants
14 to do. Accordingly, the committee respectfully requests that
15 the debtor's stay relief be denied.

16 THE COURT: All right. Thank you very much.

17 All right. Unless there's anything else, I will hear
18 from the debtor for any brief response.

19 I'm assuming the U.S. Trustee's office is not weighing
20 in on this; is that correct?

21 MS. SCHWARTZ: Your Honor, Andrea Schwartz for the
22 U.S. Trustee. We're not taking a position on this motion, but
23 we certainly have comments regarding the progress of the case
24 and the various other issues that have come up during the
25 colloquy on the motion. So I'm assuming Your Honor would want

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1 to hear from us after Your Honor hears for the motion.

2 THE COURT: All right. Thank you.

3 All right. Counsel.

4 MR. FISCHOFF: So briefly, Your Honor, first, there
5 was a 12,000-dollar payment to Joe Ricci, who was going to be
6 the proposed accountant, and the debtor did that. Wasn't
7 supposed to. And that's been recovered and returned. And I
8 believe yesterday we received a document confirming that. We
9 didn't have a chance to send it to the creditors committee, but
10 we were in discussion with them about that payment that should
11 have not been paid and was in the process of being recovered
12 so --

13 And yes, the counsel did send us a proposed budget,
14 but we have not been able to, with the debtor's assistant,
15 prepare a response to that at the moment. Those other issues,
16 I believe, about the Amazon bill have been addressed, and I
17 think the operating reports reflect that.

18 So I think the debtor is making an effort, and there's
19 a lot of reference, well, if this was a big company, in this
20 time, they would have filed a plan. As the Court knows,
21 sometimes the bigger cases are easier because there's a full
22 staff in place to do the work that here we're trying to get a
23 single individual to do. So in some ways, it's harder, and
24 bigger cases can move quicker than the little cases. But I --

25 THE COURT: Well, I don't know that I have any big,

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1 small -- there's no definitive categories in terms of how
2 quickly things move forward. But certainly, Ms. Strickland's
3 comment that the assets here are fairly straightforward and
4 fairly easy to get a handle on and would be fairly easy to
5 monetize. And so that makes it different than, say, an
6 investment into Shariah compliance investment vehicle overseas.
7 I mean, we're not talking about something that you need to jump
8 through a lot of hoops for.

9 So I think her point is, from that point of view, if
10 there's a -- that the path in this case is fairly
11 straightforward. So that's how I took the comment.

12 MR. FISCHOFF: Well, okay. Well, in any case, the
13 debtor is working on moving the case forward, and we don't
14 believe that that's a basis to prevent the debtor from pursuing
15 his rights to have a full and fair opportunity on the appeal to
16 be heard. It's moving on two tracks. There is their motion
17 objecting to dischargeability. The debtor did exercise its
18 right to file opposition. There were discussions about
19 settling it. I'm not sure that --

20 THE COURT: Well, I'll leave that --

21 MR. FISCHOFF: -- settlement discussion should have
22 been --

23 THE COURT: -- all to you to have those conversations
24 but --

25 MR. FISCHOFF: -- should have even been raised here,

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1 but it was. And there was a good faith effort. It didn't pan
2 out. And now we filed opposition to the motion.

3 I think that -- and I think part and parcel to the
4 motion for relief from stay is the proposed retention of Mr.
5 Caruso, who I would like the Court to allow him to speak
6 briefly on his retention, which I think it may shed more
7 insight on the importance of --

8 THE COURT: Well, I have a declaration for him in
9 connection with that. Right. So is there something new that
10 that -- I mean, you're counsel in the bankruptcy case.

11 MR. FISCHOFF: Yeah.

12 THE COURT: So I understand his view about how he
13 proceeds and what he intends to do. There are some questions
14 that were raised about comments that led parties to wonder
15 whether there was going to be some sort of shared compensation
16 arrangement or whether there were any concerns about conflicts.
17 There's also some language about third-party funding, which I
18 had previously rejected in a prior application that seems to
19 still be floating around here. But those are the questions, I
20 think, that were the issues that were raised.

21 MR. FISCHOFF: So Your Honor, there was an amended
22 declaration filed yesterday to address U.S. Trustee's comments.
23 But as far as the declaration, I don't think Mr. Caruso then
24 has anything further to add other than the original one and
25 then the amended one that was filed yesterday after.

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1 THE COURT: Right. Well, I confess I don't have time
2 to sort of sit there and figure out when I get an amended
3 application what is it that's been amended.

4 MR. FISCHOFF: Okay. So --

5 THE COURT: So what was it that was changed in terms
6 of understanding the -- some things I think I figured out, but
7 other things I have missed.

8 MR. FISCHOFF: There were issues about duplication of
9 services and potential fee sharing and so forth. So that's
10 been resolved to the U.S. Trustee's satisfaction. And Mr.
11 Labrowski (sic), who works with Mr. Caruso, will be submitting
12 in accordance with the U.S. Trustee's requirements his own
13 separate application the next day or two.

14 So we believe -- and I didn't mean to jump into Mr.
15 Caruso's application at this point. Maybe it's out of order.
16 But we believe that the U.S. Trustee is now on board with the
17 amended application. I'm not sure -- other parties may have
18 objections, which I guess --

19 THE COURT: All right.

20 MR. FISCHOFF: -- the Court can address, but I just,
21 as far as the motion for relief from stay goes, I have nothing
22 further to add at this moment.

23 THE COURT: All right. So you all know the standard
24 to lift -- this is a litigation against the debtor in
25 connection with both of the cases pending in the DC district

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1 court and now on appeal. It is therefore subject to the
2 automatic stay because it would be taking a step against the
3 assets of the debtor, potentially, and certainly --

4 So what I understand is that the debtor claims that
5 there is cause to lift the automatic stay and that this would
6 help move the bankruptcy case forward. The parties' papers,
7 particularly those that were filed in opposition to the motion,
8 which is the committee and the Freeman plaintiffs, go through
9 the factors in detail.

10 And the debtor's papers, frankly, are, are quite a bit
11 less fulsome. I think there's -- basically, it's very similar
12 to the first motion I received to lift the automatic stay. I
13 think it's got probably one more page to it that mentions, I
14 think, specifically two of the Sonnax factors, two of the
15 twelve. One of the ones it mentions is talking about it would
16 result in a partial or complete resolution of the issues. And
17 I'm not sure that it would. That's why I asked that question.

18 I don't think there would be any immediate or even a
19 near-term resolution, partial or otherwise, of the issues. And
20 so I think that that factor certainly doesn't favor lifting the
21 stay. I think that litigation would appear even if the debtor
22 prevails on appeal, particularly given the record that's in
23 front of the district court.

24 If the debtor proceeds, presumably the argument is
25 that it's not an appropriate sanction, the judgment's not an

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1 appropriate sanction, or the amount is too high. It seems
2 impossible to conceive that there wouldn't be further
3 proceedings in the district court if Mr. Giuliani was
4 successful in an appeal. So there's, at best, an indeterminate
5 amount of time that would go on before you'd be able to take
6 the next steps.

7 As to factor number 2, connection or interference with
8 the bankruptcy case, is sort of an interesting argument here by
9 the parties opposing it to basically say that it is interfering
10 with the bankruptcy case because it's essentially seen by the
11 debtor as the thing to be done, to the exclusion of other
12 things. There was a mention of settlement talks and whatever.
13 Obviously, those are all Rule 408, for purposes of my
14 consideration.

15 At the same time, having seen more than a few cases
16 where a case is motivated by a judgment, the cases, if they're
17 to be successful, don't stand still. And I do agree with Ms.
18 Strickland that the more compelling case is an instance where
19 the litigation has an ongoing impact on a debtor's operations
20 and that that is a significant calculus. That's not a calculus
21 here.

22 But again, what I'm hearing from the parties opposing
23 it is that the debtor's view of the case seems to be that it is
24 the appeal or bust and that that's having an impact on the
25 debtor's approach, that it has become the single-minded focus.

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1 So it's, in that way, somewhat of a sort of ironic flip to the
2 concerns about the automatic stay where someone's worried about
3 litigation and their interference that outside litigation will
4 cause on the bankruptcy, the ability to focus on the
5 bankruptcy. So I guess it's a form of that played out in a
6 different way.

7 So there are other factors that are not really
8 relevant here. Certainly, factor 3, other proceeding involving
9 debtor's fiduciary, there is no fiduciary that was not a
10 fiduciary when these events took place.

11 Factor 4, where there's a specialized tribunal for
12 establishing to hear the case. There's nothing in particular
13 that weighs for or against in connection with factor 4.

14 Same is true for factor 5. There's no debtor insurer
15 who has assumed full responsibility for defending it. That
16 case -- or when that factor exists, it makes it easier to lift
17 the stay because it doesn't impact the estate. And so here,
18 it's clear that this is the debtor's show. And so there is a
19 concern, and perhaps this is the factor where the concern of
20 the committee and the Freeman plaintiffs about the debtor
21 focusing single-handedly on this outside litigation in the
22 District of Columbia plays out in the sense that the debtor is
23 the one pursuing the litigation, defending the litigation, and
24 potentially being distracted by the litigation in terms of
25 being able to get things done in bankruptcy.

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1 Certainly, I think the record reflects facts that
2 raise that as a legitimate concern. It's taken a long time to
3 get a retention for a broker for the sale of an apartment.
4 There is the view about the other apartment is no doubt, as
5 framed by the debtor, has been all about what's going on in the
6 appeal and therefore factoring in what should happen with the
7 apartment. And it shouldn't get -- that other apartment
8 shouldn't get sold, in the debtor's view, because what happens
9 if the case in D.C. is reversed sort of ignores that there are
10 other creditors here as well. And I think that that's why the
11 committee has weighed in -- one of the reasons it's weighed in
12 the way it has.

13 Factor 6, whether the action primarily involves third
14 parties. There are no third parties in the Freeman litigation.

15 Whether litigating in another forum would prejudice
16 other creditors, factor 7. And again, I think this is another
17 factor that talks about what's going to happen, whether the
18 bankruptcy is going to be essentially in an eternal holding
19 pattern while the appeal goes forward and that there are
20 reasons to have a different view as to that and that the case
21 should not be so handled. Now, again, I think debtors can
22 handle things different ways, but certainly, it looks like
23 litigating in that other forum, the debtor's view of that seems
24 to be that that is the focus and primary focus, I think is, is
25 safe characterization of the debtor at this point.

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1 Factor 8 is whether there is a judgment claim arising
2 that would be subject to equitable subordination. And there's
3 an argument in the papers by the opposing parties that this
4 weighs against modifying the automatic stay, given the separate
5 adversary proceeding challenging dischargeability.

6 So moving on to factor 9, it's not applicable dealing
7 with the judicial lien.

8 And factor 10, the interest of judicial economy and
9 the expeditious resolution of litigation, again, I can't see
10 any way, shape, or form, and certainly there is no explanation
11 in the debtor's papers, as to how lifting the stay would result
12 in expeditious resolution of litigation. In fact, everything
13 seems to point to the opposite conclusion.

14 And so factor 11, whether parties are ready for trial,
15 there already is a trial. There already is a judgment. And
16 again, I think if the debtor prevailed, the debtor's best case
17 scenario, it would mean that everything would go back to the
18 district court for more proceedings. And that, I think, means
19 that factor 11 appears to weight against granting the relief.

20 And so factor 12 is the impact of the stay on the
21 parties in the balance of harm. And again, I think it's
22 identified in the official committee's objection, saying that
23 the concern is that the appeal would distract the debtor from
24 reorganizing and will sort of serve as kind of an excuse for
25 further delay in taking critical steps.

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1 So together with this, there is the application to
2 employ counsel. There are concerns relating to that that we
3 have not fully addressed here today, some of which sound like
4 the changes have been made. But it's, again, not clear from
5 what I received that everything is resolved so --

6 But to loop back to the lift stay for a moment to
7 conclude, I think the other relevant factor for purposes of the
8 Court is obviously we're really concerned about how it impacts
9 the bankruptcy case and how these two things interrelate to one
10 another. There is a nondischargeability proceeding that is
11 teed up. It is one of the things that is teed up in the case
12 to go forward for argument. And that's going to say a lot
13 about what the Freeman plaintiffs' litigation means or doesn't
14 mean for purposes of the bankruptcy and what that judgment
15 means. And as I understand the argument, and obviously it's
16 not being argued today, the argument about nondischargeability
17 doesn't arrest solely on the judgment itself. It rests on
18 things that happened in the litigation that were agreements
19 among the parties.

20 And so it does mean that I think, and the Freeman
21 plaintiffs argue that, regardless of the appeal, that it is
22 nondischargeable, and that meaning any judgment coming out of
23 that litigation would be nondischargeable. But we'll cross
24 that bridge when we get to it. But it does say that in
25 thinking about progress in the case here in the bankruptcy

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1 case, when thinking about the other litigation, it does seem to
2 me that in the interest of efficiency that we should get to the
3 nondischargeability of the litigation. It will be an --

4 If that litigation is resolved one way or the other,
5 it should provide valuable information for the parties to
6 assess the path forward. And I think, probably more valuable
7 information, even, one, it can be done in the short term, a
8 shorter term, and two, it will help the parties assess the path
9 forward. So I mentioned that in terms of understanding the
10 relationship of all these things to each other in terms of
11 moving the bankruptcy case forward and for the benefit of all
12 parties, which is what we're supposed to be doing here.

13 So based on where I am and the showing that's been
14 made by the debtor, I don't think a showing has been made that
15 it's appropriate to lift the automatic stay today. So the case
16 will be stayed by virtue of the bankruptcy of Mr. Giuliani.
17 And if we get to a point where pursuing that appeal does not
18 raise the prospect of interfering with the bankruptcy case,
19 then we can get there.

20 And so today may not be the last word, but again, I'm
21 not convinced, based on what I've received, that the stay
22 should be lifted, that it's part of the solution for this case
23 moving forward, given where the case is. So I think I have to
24 analyze the Sonnax factors given where a case is. And so
25 analyzing it in that context, I don't think it's appropriate to

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1 grant that relief today.

2 Again, it may be a discussion for later in the case if
3 progress is made if additional milestones or results are
4 achieved where parties have a better sense of what the
5 appropriate path forward is. That might include an argument
6 and ruling on nondischargeability. It might include progress
7 on monetizing assets. But right now, given where the case is
8 and my reading of the case, I don't see lifting the stay. I
9 see it as an impediment to progress in the bankruptcy. And so
10 for that reason, I don't need to address the issues with the
11 application today. And so we'll get to that at an appropriate
12 date, if that's where we find ourselves.

13 So that's my ruling. And again, I'll end by saying
14 what I think I've been saying at every hearing. It is
15 important for people to think about how to move the case
16 forward. Talk to the constituencies. And again, I can almost
17 always tell by the size of the papers that are filed in a case
18 whether parties are talking to one another or not. And these
19 cases really reflect -- I know there's a difference of opinion.
20 Yes, we spoke to them. No, nobody spoke to us. The papers
21 reflect a lack of communication.

22 And so that's what needs to happen in a bankruptcy
23 case. It is a collective proceeding. And so while the debtor
24 says that counsel says you don't understand why the committee
25 opposed this and it's really a very myopic Freeman plaintiff

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1 issue, that's not how the committee sees it. And so that tells
2 you something in terms of the progress of the case and whether
3 proceeding with the appeal will interfere with the case or move
4 the case forward. So the committee has voted with its feet and
5 doesn't see it that way at all.

6 So that's my ruling. That motion is denied without
7 prejudice to reasserting based on changed facts and
8 circumstances later in the case. And so we can move on to the
9 next matters. So the application is also therefore put to the
10 side for the moment.

11 So the other matter, I understand, that's on --

12 MS. SCHWARTZ: Your Honor --

13 THE COURT: Well, hold on a second.

14 So the other matter that's on relates to the motion to
15 compel. I did see the debtor's reply. And so I suspect I'm
16 going to get sort of a refresh and update on exactly what's
17 happened. I've gotten some of that already.

18 So I do think it's probably a fitting segue to here
19 from the U.S. Trustee's office. It's the only party we haven't
20 heard from at this point and who has an interest in the kinds
21 of things that relate to the motion to compel.

22 So Ms. Schwartz.

23 MS. SCHWARTZ: Thank you, Your Honor. Andrea Schwartz
24 for the U.S. Trustee.

25 Your Honor, I think a couple of things Your Honor said

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1 in his preparatory comments are a little different -- we come
2 at it from a different perspective. Your Honor noted the
3 acrimony in the case. As Your Honor knows, we are an unbiased
4 agency that is responsible for oversight of the case.

5 With respect to communication, Your Honor, I think the
6 Court should be aware that we have regular communication with
7 debtor's counsel multiple times a week, if not every day, on
8 the issues that have been raised by the committee and by the
9 Freeman plaintiffs.

10 It's an individual Chapter 11. I think that the
11 biggest problem from the debtor's counsel's perspective has
12 been their inability to retain an accountant, and that has
13 resulted in the delays of filing the MORs, mistakes, things of
14 that nature. They haven't explained to the Court what those
15 issues have been. We've been pressing them regularly on the
16 accountant issue. We're advised now that they're not retaining
17 an accountant.

18 The accountant that's referenced with that payment,
19 Mr. Ricci, is the long time accountant for Mr. Giuliani's
20 business entities. And we understand that he's continuing to
21 work for the nondebtor business entities but is unwilling to
22 take on the role for the debtor. So that obviously creates a
23 problem.

24 We've been requesting that debtor's counsel make the
25 appropriate modifications to their schedules. Those things

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1 were identified at the 341 meeting. I think that the committee
2 and the Freeman plaintiffs are accurate in pointing those
3 things out in their papers. But Your Honor should know that
4 also we're not filing papers with Your Honor. We're dealing
5 directly with the debtors and the debtor's counsel. And I
6 think, based on Your Honor's comments today, it is my hope that
7 you will see of all of those things resolved no later than the
8 end of this week.

9 With respect to the case in terms of its going
10 forward, it has also been brought to the Court's attention, I
11 think in an accurate manner, that there has not been much
12 activity in terms of reorganization. There might have been a
13 lot of things going on, but in terms of reorganization, there
14 are very few assets. And I think Your Honor read it straight
15 that the debtor's thought that the case is the appeal of the
16 Freeman judgment, that was the -- that was their main item that
17 they thought would save their case or at least enable them to
18 restructure. I think they got a little rejiggering of that
19 thought today. And they have to do the other things that are
20 required in the case.

21 I will also say, I have heard from debtor's counsel
22 that their client is not easy to get in touch with. They can
23 reach him, but it's been difficult to get in touch with him.
24 We have no information at all regarding their client's motives
25 on what the client is doing or what. And the only thing we can

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1 assess, like the Court, is what actions are taken by the debtor
2 in this case. And clearly, the debtor needs to move.

3 He has a lot that he has to do. We've spent a good
4 amount of time on retention applications, which is true. That
5 application that came in for the Caruso firm came out of the
6 blue to us, Judge, because we had gone through so much time
7 with that other counsel.

8 But that's the debtor's choice, who his counsel is.
9 And if he wants to switch counsel, that's his choice, except
10 the way they proposed it, we saw it as a violation of 504.
11 That's why there's a total revision. But Your Honor won't be
12 addressing that today, and we'll bring those points up to Your
13 Honor at that time when the Court is, in fact, addressing those
14 issues.

15 But I wanted to make the Court aware that, as far as
16 our office is concerned, we are also in regular communication
17 with the committee counsel. They've been very good about
18 advising us where they're going, and we've been explaining to
19 them what we are doing.

20 So as far as us, we've been extremely communicating.
21 But again, we're not acrimonious to any party in the case. We
22 just want to see the case restructure if that's possible. If
23 not, then the case should -- the case will take a different
24 turn.

25 THE COURT: All right. Thank you very much.

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1 So I know the committee has a motion to compel the
2 monthly operating reports. And obviously, we all received an
3 update on that. And so let me ask the committee how it wants
4 to proceed --

5 MS. SCHWARTZ: Oh, Your Honor, may I just add one
6 thing? I'm sorry.

7 One other thing that we've asked of the debtors is
8 because Mr. Giuliani has these businesses and he's an
9 individual debtor, we do ask for reporting on his corporate
10 entities and that they filed a quarterly 2015.3 statement.
11 They have not filed that as of yet. I believe our analyst Mr.
12 Ned Carney (ph.) has requested that.

13 THE COURT: All right. Thank you.

14 So let me go back to the committee as to how you want
15 to handle the motion to compel.

16 MS. BIBLO BLOCK: Your Honor, for the record, Rachel
17 Biblo Block with Akin Gump Strauss Hauer & Feld on behalf of
18 the official committee of unsecured creditors.

19 We still think we would like the relief. We obviously
20 need to modify it since the two monthly operating reports were
21 filed. But we've noticed a bunch of deficiencies in those
22 reports and think they should be amended.

23 We also think it would be helpful to have a court
24 order requiring that future monthly operating reports are filed
25 timely. And we also think that relief, to the extent that the

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1 debtor is not doing that, was appropriate for the appointment
2 of a trustee.

3 THE COURT: All right. Well, are you making a request
4 for a trustee today? I mean, so I'm trying to figure out what
5 you want to do. I would say -- to lead the witness, I would
6 say that perhaps today is not the day to have that
7 conversation. But one way to handle this -- so it's always an
8 awkward situation when you're asking to compel somebody to do
9 something that they're required to do. And judges, we can
10 issue orders, but sometimes if it's already required, we're not
11 quite sure how helpful or meaningful it is.

12 So one way to handle this would be to carry your
13 motion and to view it as a request for the debtor to address
14 the things that need to be addressed, whether it's timely
15 monthly operating reports, corrections of things that are
16 either inaccurate or missing from the schedules, all the things
17 you identify in your motion. And then if we carry it, then we
18 can, if there is an order, ultimately enter it. It can be more
19 specific and therefore more meaningful to you.

20 And now, if there's something specific today that you
21 want to push on in that vein, I think we certainly could do
22 that. But to the extent that you're worried that this may be
23 an ongoing problem -- to the extent you're worried about this
24 being an ongoing problem, one way to do it is to carry the
25 motion and see how things go. Trust but verify, I guess, is

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1 the what -- is the way to look at it.

2 So but again, I'm happy to hear from the committee on
3 your thoughts.

4 MS. BIBLO BLOCK: Yeah. Your Honor, I think we're
5 okay with carrying the motion. I think our primary concern is
6 income. He's not reported any income on his monthly operating
7 report, but he has said in various pleadings that he does get
8 income from the job that he was just terminated with.

9 THE COURT: That's a very specific and fair point,
10 Counsel. Thank you. That's exactly the kind of thing to focus
11 on.

12 So debtor, what say you?

13 MR. BERGER: Judge, if I could just go a couple of
14 issues. Obviously, Your Honor -- Heath Berger, attorney for
15 the debtor -- we agree, Judge. The operating reports have to
16 be filed. That's one of the requirements as a Chapter 11
17 debtor-in-possession.

18 I've been doing this long enough, Judge. My letters
19 that go out to my clients, they do explain it, Judge. I don't
20 want to sit here and minimize that. We understand, Judge. And
21 I think that I've gotten it through to the debtor of the
22 requirements that need to be done.

23 There were issues, and some of the delays was going
24 back and forth with the accountant. That caused some problems.
25 They finally have, I think, gotten things on track --

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1 THE COURT: All right.

2 MR. BERGER: -- like I said --

3 THE COURT: So to pick up on your comment and Ms.
4 Schwartz' comment, that's fine. Every case is its own story,
5 and there are issues in cases and things. The concern for your
6 client is twofold.

7 One is there will reach a point, and it's already been
8 hinted at and discussed in, actually, this very motion about
9 the request to appoint a trustee. And so it's all about the
10 record in the case.

11 MR. BERGER: Sure.

12 THE COURT: And that's something your client should be
13 concerned about.

14 And the second is that it always reaches a point where
15 judges say that it's another really interesting story, but I
16 don't care why it's not properly done or done timely or
17 consistent with the rules. We've reached the point where I
18 can't afford to care why. It just hasn't happened.

19 So those are the two things. Again, I'm not telling
20 you anything you don't already know. I know that. But I'm
21 saying it out loud so that there's no misunderstanding by
22 anybody, anywhere about how this system works.

23 And so I get it. But it's got to get fixed or at a
24 certain point, we live in a very Manichean, black-and-white
25 world that either is fixed or it's not fixed. And so that's --

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1 MR. BERGER: I understand that, Your Honor.

2 THE COURT: But with adjourning the motion, it's not a
3 today viewpoint, but we're going to get there if it's not
4 fixed.

5 MR. BERGER: Yeah. I understand, Your Honor. And
6 I've used that threat for that, Judge.

7 THE COURT: Yeah. Well, I mean, again, that's why I
8 give some of these --

9 MR. BERGER: I understand the Court's point.

10 THE COURT: -- speeches so that people can pass them
11 along to whoever needs to hear them.

12 So what about the income piece, the very specific
13 income piece? What can you tell us today on that?

14 MR. BERGER: Judge, the only thing I could say is some
15 of that money gets paid, my understanding, is to the
16 corporations, which is used to basically fund some of the staff
17 that's out there. None of it goes to the debtor. We did have
18 a conversation that they should start giving him a salary out
19 of that. That was a conversation we've had recently. So we're
20 going to try to sit down and figure that out because it's not a
21 lot that comes in, especially now that the ABC is out.

22 Most of the money, again, Judge, that the debtor is
23 using, and actually, when I file the April operating reports,
24 is again has taken money from the retirement accounts to fund
25 to pay the maintenance for both properties. Again, the

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1 property appears listed. I'm hoping, the way the market goes,
2 that goes fast. So that's truthfully less money he has to take
3 out of his account.

4 THE COURT: So going back to the income, is there any
5 reason why you can't send a letter to the U.S. Trustee, the
6 committee, the Freeman plaintiffs, everybody about what the
7 income situation is? Because obviously ,when you know what you
8 know, you say, well, this isn't problematic at all because of
9 the way it works. But if people don't know, they're seeing a
10 big, fat zero where they expect income to be reported.

11 So when can you provide an update? Now, again,
12 whether that's in a monthly operating report, it's in a letter,
13 it takes some other form, it's in schedules, you all are in a
14 better position to understand what form that information should
15 be conveyed in. But when people are asking questions about
16 income, that's a pretty basic question.

17 So what would be your intention on providing
18 information on that and both by when and in what form?

19 MR. BERGER: Judge, I can provide a letter update to
20 everybody. If you could give me to the middle of next week,
21 just that two confirmation hearings on this week for Chapter 11
22 cases, so I apologize. I just a little --

23 THE COURT: Yeah, that's fine. The middle of next
24 week is fine.

25 MR. BERGER: Yeah, I'll get that out, Your Honor,

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1 middle of next week, everybody.

2 THE COURT: All right. All right. So let me just
3 loop back to the committee, if there's anything in particular
4 in light of what you just heard that you wanted to focus on or
5 follow up on on the question of income.

6 MS. BIBLO BLOCK: The only problem with the income is
7 that both in the reply to this motion -- or the response to
8 this motion and the opposition to the motion to compel, the
9 debtor does say he gets income. So it's just a little
10 confusing. So we would like the documentation from --

11 THE COURT: All right. That's a fair point. All
12 right. So that's your touchstone for trying to understand the
13 issue. So that's a fair question. Thank you.

14 Anything else from the committee on this motion, which
15 I would say we would carry?

16 And what I would suggest is I want to be responsive to
17 the concerns, and we could carry it to our next hearing date.
18 And perhaps the idea would be, at a time of your choosing,
19 whether it's three days or five days or seven days, whatever it
20 is, to submit a letter on what you think are the open issues
21 and where the motion stands. And that gives, hopefully, enough
22 time for everybody to know what they are, those issues are, to
23 have conversations -- again, this is an aspirational view, I
24 suppose -- but to have conversations and communications about
25 addressing those issues.

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1 Would that work for you, Counsel?

2 MS. BIBLO BLOCK: Yes. Thank you, Your Honor.

3 THE COURT: All right. And I'll consider that,
4 essentially, a supplement to the motion.

5 Anything else from the committee?

6 MS. BIBLO BLOCK: Nothing else from the committee's
7 perspective. Thank you.

8 THE COURT: All right. And Counsel, I know you -- I
9 think you had some other things you wanted to address.

10 MR. BERGER: I just want to address just a couple of
11 just comments from the Court. So I apologize to the Court.

12 As far as moving along, the issue, we've been working,
13 both Ms. Biblo Block, myself, and Ms. Schwartz, on getting the
14 retention for Sotheby's probably for the last six to eight
15 weeks trying to get it done. And there were a lot of issues
16 with some commissions, some issues that Sotheby's was very
17 strict on what they wanted, and what the U.S. Trustee's. It
18 took longer because just a lot of moving parts going on, Judge.
19 We've been trying to get this done for a while.

20 So I don't want the Court to think that it was just
21 sitting. It's been more negotiations back and forth on certain
22 issues that Sotheby's needed. Issues that the U.S. Trustee
23 needed. So I just don't want the Court to think that we just
24 woke up yesterday and we filed it.

25 THE COURT: No, I understand that. I understand that.

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1 At the same time, again, from a court perspective, you know we
2 look at --

3 MR. BERGER: I understand.

4 THE COURT: -- what's happening or what's not
5 happening. And this case has been around now long enough that
6 if the thought from the beginning is to sell one of the
7 properties -- I'm looking back at my notes. We had our first
8 hearing January 31st. So that's all of February, all of March,
9 all of April. And so we're in about three and a half months.
10 Right.

11 So Chrysler sold the business in thirty days. So I'm
12 not saying this is a Chrysler. I understand each case has its
13 own story and its own challenges, but that's got to happen.

14 MR. BERGER: Sure.

15 THE COURT: And if for some reason you're stuck on
16 things, that's what court hearings can be useful for. I don't
17 want things to get stuck. Retention applications that get
18 stuck can be a real problem in cases, and they can prevent
19 things from going forward. Professionals get very nervous if
20 they don't have their retentions, things squared away at a
21 certain point. So if we need to have a conversation, we'll do
22 that.

23 MR. BERGER: Okay.

24 MR. FISCHOFF: So that's what I'm here for.

25 MR. BERGER: Thank you. Yeah, I just, like I said,

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1 took a little bit. We got it going.

2 Your Honor, just as far as the communication, I mean,
3 the reality is I know we hear nobody really speaks. I mean, I
4 think Ms. Biblo Block and I probably email each other on a
5 fairly regular, daily basis. I mean, we may have differing
6 opinions on things, but --

7 THE COURT: Right.

8 MR. BERGER: -- there is a line of communications that
9 is open. And on the debtor's side, we do want to continue that
10 line to go forward.

11 THE COURT: Right. But there's just got to be --

12 MR. BERGER: Ms. Strickland actually just brought up
13 an interesting statement earlier today, which I think is
14 something very valuable, to sit down and have that discussion
15 with all parties about a possible settlement.

16 THE COURT: Well, in my experience, again, I don't
17 want to know about what you all are talking about in terms of
18 any settlement or resolution, but restructuring
19 professionals -- again, I don't want to be pedantic. You all
20 know this. Restructuring professionals look at their options
21 and they pursue options and think about what works. And the
22 more data they get, the more they can assess the options and
23 the further along they get. So that's why something like the
24 nondischargeability adversary proceeding, which is teed up, is
25 a relevant data point.

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1 And the appeal is frankly less so because it's going
2 to take longer to get to a final conclusion. And so that's
3 why, in my view, the focus, the laser-like focus, exclusion of
4 other things, is not the path forward. I'm not saying that at
5 some point it isn't appropriate, but I think right now, I don't
6 think it is.

7 MR. BERGER: I understand, Your Honor.

8 THE COURT: And so, again, if there's progress in the
9 case, then we can revisit those kinds of issues and assess the
10 circumstances so --

11 But Counsel, I cut you off. What else would you like
12 to raise?

13 MR. BERGER: No, no, Your Honor. That's kind of just
14 what I wanted to bring up to the Court.

15 THE COURT: And if there's other things that the Court
16 could be useful with, you'll let me know, whether that's people
17 will mediate everything from litigation disputes, like what's
18 going on the case of the District of Columbia, to having plan
19 mediations. There's lots of ways.

20 The idea is, is sometimes to get a third-party who you
21 can candidly share all the details with, which sometimes you're
22 not able to do with me, to give you a third party's outsider
23 view. And certainly, there are lots of good mediators. Again,
24 you are all -- you all know that. So that's one avenue that is
25 often taken in the context of trying to figure out how to deal

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1 with a judgment that's out there.

2 So all right. Anything else, Counsel?

3 MR. BERGER: That's it, Your Honor. Thank you.

4 THE COURT: All right. So I know we were also going
5 to talk about the adversary proceeding that was filed. And so
6 I think, unless there's something else that logically we need
7 to tie up a loose end on, we could do that now.

8 And I did see that it has, as already been discussed,
9 based on Mr. Giuliani's statements, continued statements about
10 the Freeman plaintiffs, and is seeking an injunction in this
11 court. And so what I would ask the Freeman plaintiffs in
12 connection with that adversary is the following question is
13 whether that makes sense to be here.

14 Normally, that kind of thing would be in the court
15 where the actual first case was. I know a district judge here
16 in the Southern District of New York recently had -- there have
17 been cases that sort of have presented a similar problem. And
18 so that would be my big question to you. And this is where
19 communication among counsel is invaluable in terms of trying to
20 figure out what to do about these things.

21 But let me hear from the Freeman plaintiffs to start
22 us off on this topic.

23 MR. NATHAN: Good afternoon or -- yes, good afternoon,
24 Your Honor.

25 THE COURT: Yes.

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1 MR. NATHAN: Yeah. Aaron Nathan for the Freeman
2 plaintiffs.

3 That is something we've considered internally.
4 Obviously, at this point, given the automatic stay, the
5 injunctive relief proceeding that we had brought in the
6 district court in DC is stayed.

7 THE COURT: Right.

8 MR. NATHAN: But for the stay, it would certainly be
9 possible to amend that complaint to update it to include the
10 post-petition statements and pursue the relief there. I would
11 say, we'd be happy to consider that further and make a proposal
12 along those lines if Your Honor is open to that. I'm not
13 frankly sure what our answer would be at this stage, and I
14 think we'd have to discuss that with the committee before we
15 took any steps in that direction.

16 THE COURT: Yeah. No, I understand why you're here --

17 MR. NATHAN: Yeah.

18 THE COURT: -- in light of the automatic stay. I get
19 that.

20 MR. NATHAN: The other reason why we're here is that,
21 obviously, the debtor's post-petition conduct has a dramatic
22 impact on what happens in this bankruptcy, given that it's
23 already given rise to administrative expense claims that the
24 Freeman plaintiffs have filed in this court. So there may be a
25 reason why Your Honor would conclude that it's appropriate to

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1 enter that injunction here in this court.

2 But I would say as far as the Freeman plaintiffs are
3 concerned, what we want is for the debtor to stop defaming and
4 inflicting emotional distress on our clients. It's long past
5 time for that relief to be entered, and that's our priority.

6 THE COURT: All right. And that's fair enough. Thank
7 you for that presentation.

8 Let me hear from the debtor.

9 MR. BERGER: Thank you, Your Honor. Heath Berger,
10 Berger, Fischhoff, Shumer, for the debtor.

11 Your Honor, we received, obviously, the complaint on
12 Monday. We've sent it to the debtor. Trying to have some
13 discussions on it, possibly with counsel, or we're having that
14 discussion with Mr. Caruso also.

15 So we also had conversations about a briefing schedule
16 and all that and to set that going forward. And again, we kind
17 of had a little bit of the same question internally ourselves
18 is whether it's appropriate in this court or should it go back
19 to the district court in DC.

20 I don't have an answer to that, Your Honor, at this
21 point. I'm not sure which way it's supposed to go. Again,
22 we've received it. We've sent it to the debtor. We've said we
23 need to have further discussions --

24 THE COURT: Right.

25 MR. BERGER: -- concerning the allegations because we

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1 want to try to keep this on a smooth path and not as --

2 THE COURT: Right.

3 MR. BERGER: -- bumpy as it's getting.

4 THE COURT: Well, again, I find that we're having
5 conversations that sound like things that are sort of very
6 normal course, and this isn't normal course. I don't normally
7 have this kind of an issue.

8 And the stage, I know your client has an appeal, but
9 there's a decision by a federal district judge about this. And
10 I'm not going to let this court be used as a place where
11 parties can flout the requirements of the law. It's just not
12 acceptable. And I think you'd get that answer from any judge.
13 And if you look up my bio, I think I have a little bit of a law
14 and order background. I mean, it's just appalling. There's
15 been a finding that your client improperly did this, and he's
16 continuing to do it.

17 So there's a couple of ways to deal with this. What
18 I'm hearing from the Freeman plaintiffs is to say, just stop
19 doing it. So I understand you've said it to your client.
20 You're going to have discussions. But it's pretty simple.
21 What it requires not is a great intellectual discussion or
22 analysis of issues, but rather will, the will to say no more.

23 And so I realize that as a bankruptcy court, I can act
24 without the impediments that some other district court may
25 have, although I recognize that that court is the one that had

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1 the proceedings. And so I have no desire to step on the toes
2 of that district court in an already difficult case and make
3 things more complicated.

4 So in the first instance, I normally would send this
5 back -- encourage the parties to send it back to the district
6 court. At the same time, I'm just, unless I'm really missing
7 something in a profound way, just stop. Tell your client to
8 stop. I mean, it's not complicated.

9 And you don't like a decision that the district court
10 came up with. You're appealing it. You filed a motion. And I
11 just don't understand that attitude to the law. And so I don't
12 think you get to just disregard what the district court said.
13 I mean, it doesn't sound like there's any prospect -- I'm
14 certainly not hearing any prospect that you think the district
15 court would tell your client that this conduct was permissible,
16 right? Am I missing something?

17 MR. BERGER: No, Your Honor, you're not.

18 THE COURT: So we can all spend a lot of time and
19 money papering things, but it seems to be a pretty
20 straightforward issue. And so my thought is to get back
21 together this week. I want an answer on this.

22 And so I'm going to direct you to speak to your client
23 in the next twenty-four hours about the issues we're discussing
24 today and that within twenty-four hours after that, you're
25 going to reach out to the Freeman about the substance that is

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1 the continued statements and the procedure, what should happen.

2 I mean, there's several ways to do this. One is to
3 lift the stay for purposes of people going in front of the
4 district court to address these issues, and we could do that.
5 I'm trying to think, procedurally, for purposes of finality,
6 what's best for the parties. And so as the Court that didn't
7 originally have the case, I have a question about whether I'm
8 the right person to make those decisions, to make those calls.
9 But you're, I think, in a better position to assess the pros
10 and cons, and I just don't want to create any procedural
11 impediments or difficulties.

12 So I'm going to direct you all to have a conversation
13 on Thursday, and I'd like to have a hearing on Friday on this
14 particular issue. So I don't see any reason why this should
15 wait. Again, unless I'm profoundly misunderstanding the facts,
16 which have been represented to me as Mr. Giuliani making
17 statements that a court has already found to be defamatory and
18 continuing to do so. So if I have those facts correct, and I'm
19 not hearing anything to the contrary, that's an unacceptable
20 situation.

21 MR. BERGER: Understand, Your Honor.

22 THE COURT: So we can set a time for Friday, I would
23 say 11 o'clock, if that works for the parties, and to sort of
24 figure out where we are in this issue. Again, I'm trying to
25 save you all the need to fully gear up the litigation war

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1 machine. That takes time. It takes money.

2 And also, I mean, we're a bankruptcy court. We should
3 be sensitive to the costs. But also, it takes time. And given
4 what the district court has decided, it doesn't seem
5 appropriate to have a time lag on this particular issue.
6 Again, if there's some debate about something but --

7 And I suppose my opinion is somewhat -- I had
8 understood, I think, when we were talking about the first lift
9 stay motion, that the focus of Mr. Giuliani was the amount of
10 the damages that were awarded and not the underlying liability.
11 Of course, the longer we have these conversations about that
12 appeal case, I think the longer I realize that my assumption,
13 or at least the suggestion that I heard from the debtor, that
14 that may not be, in fact, their approach. But again, you can
15 all talk about that.

16 So any questions or comments or suggestions, Counsel?

17 MR. BERGER: None, Your Honor.

18 THE COURT: All right.

19 MR. BERGER: I will speak to the debtor, I will reach
20 out to counsel, and hopefully advise the Court on Thursday of
21 where we are.

22 THE COURT: All right. All right. So anything from
23 the Freeman plaintiffs?

24 MR. NATHAN: Just one further thing on that, Your
25 Honor, and I realize I may be telling you something you already

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1 know. At this point, with everything that's happened, I think
2 the Freeman plaintiffs will not be amenable to an agreement for
3 anything short of a court order that would be enforceable in
4 court.

5 THE COURT: Oh, I wouldn't expect anything to the
6 contrary.

7 MR. NATHAN: Okay.

8 THE COURT: We use trust but verify earlier, but I
9 completely understand that. What I'm trying to avoid is your
10 clients having to spend time and money and emotional angst to
11 sort of have to litigate this, as, again, the facts you
12 presented to me seem to be fairly straightforward. And so
13 unless I'm missing something about those facts and about how
14 they connect to the proceedings in district court and the
15 district court's rulings, this seems to be a pretty
16 straightforward problem, from the point of view of your
17 clients, a horrible problem, but not a complicated one, if,
18 again, I'm understanding the facts straight.

19 So that's what I'm just trying to sort of get this
20 resolved as promptly as possible. So I don't expect your
21 clients to say, well, if somebody stands up and says, no, no,
22 it's not a problem, everything's fine, that that would be
23 acceptable. But again, I'm struggling to understand, again, if
24 I'm understanding the facts and the circumstances correctly,
25 why there need to be proceedings on this in the sense of it

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1 being a disputed issue as a matter of facts or law so --

2 MR. NATHAN: Right. Thank you.

3 THE COURT: But I appreciate the heads up. It's
4 important to say these things out loud so everybody's on the
5 same page on that. But I expect that'll part of the
6 conversations that will occur before we come to court on Friday
7 at 11.

8 And I'm going to leave that date on the calendar.
9 There are times when I say to people, if you work it out, then
10 we can take it off the calendar. It would seem that a hearing
11 would be appropriate and helpful. So let's leave that on. And
12 if that means that there's -- so think about, to your point if
13 there's been some progress but it needs to be more tangible
14 progress that we can use Friday to hopefully try to do that.

15 So with that said, I realize I sort of got out in
16 front of that particular adversary proceeding, and I don't want
17 to prevent the Freeman plaintiffs from identifying any other
18 questions, concerns, or issues that we should talk about in
19 connection with that.

20 MR. NATHAN: Thank you, Your Honor. Aaron Nathan,
21 again, for the Freeman plaintiffs.

22 The only other item on our agenda would have been a
23 briefing schedule on the motion for summary judgment and for
24 permanent injunctive relief. I think I heard debtor's counsel
25 say that we had an agreement on that, and if that's true, we

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1 had exchanged an email about a potential schedule. I'd be
2 happy to have that schedule entered, if you would like that,
3 Your Honor, just to have a briefing schedule in the background
4 while we discuss the possibility of an alternative resolution.

5 THE COURT: Right. That's fine. If you all worked
6 out a schedule, that's fine. And so if you want to submit it
7 to me because it's agreed upon, just send an email with that.
8 That's fine. And if, to the extent that that's something
9 that's still not nailed down, we can revisit it on Friday. So
10 my thought would be, we'd end the week with a schedule one way
11 or the other.

12 MR. NATHAN: Understood. And just so Your Honor has
13 all the information, the briefing schedule would involve the
14 Freeman plaintiffs filing their opening brief next Wednesday,
15 which is the only reason why we thought it might make sense to
16 have the schedule in place while we continue to have these
17 conversations in anticipation of Friday so --

18 THE COURT: Yeah. That's fine. Again, I'm sensitive
19 to everybody's time and money in connection with this. But
20 obviously, I know there are important issues, and your client
21 may feel like, well, Judge, we want to be ready to file on
22 Wednesday, next Wednesday, and --

23 MR. NATHAN: Right.

24 THE COURT: -- that's fine. So if I thought a date
25 before Friday would be more meaningful, I'd be happy to get

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1 together Thursday. I mean, if it's meaningful to buy an extra
2 day or so, I could chat with all you nice folks on Thursday
3 afternoon, if that would be helpful. Why don't you chat and
4 see what works for you all, unless you want to think about it
5 now. Whatever works for you.

6 MR. NATHAN: I think Thursday would be preferable for
7 the Freeman plaintiffs, if we can find a time that works for
8 the Court.

9 THE COURT: Yeah. Would Thursday afternoon work?

10 MR. BERGER: I have a hearing before Judge Scarcella
11 on the disclosure statement in the morning. I just don't know
12 if I'll drive here. We agree to do it by Zoom, I think I --

13 THE COURT: Yeah, this could be by Zoom. Yeah, I
14 would think --

15 MR. BERGER: Okay.

16 THE COURT: -- it could be by Zoom.

17 MR. BERGER: I think I could make that work better.
18 I'll never make it here, Judge.

19 THE COURT: Do you have a time that you think that
20 would be best for running between the raindrops? You want to
21 do it 1, 1:30? Courts tend not to be --

22 MR. BERGER: Yeah.

23 THE COURT: -- in session from 12 to 2.

24 MR. BERGER: 1:30, 2 o'clock, and I don't -- I think
25 that should work for me, Your Honor. I have a 10 o'clock

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1 hearing. Let's assume it's going to take me maybe two hours.

2 THE COURT: I mean, could also make it a 3 o'clock as
3 well, if that's easier.

4 MR. BERGER: Well, let's do 3, if that's acceptable.

5 THE COURT: 3 o'clock?

6 MR. NATHAN: That's fine, Your Honor.

7 MR. BERGER: Yeah. As long as it's by Zoom, Judge, I
8 appreciate that. That makes --

9 THE COURT: Yeah, Zoom's fine.

10 MR. BERGER: -- it a little bit easier.

11 THE COURT: Zoom is fine.

12 MR. BERGER: Okay.

13 THE COURT: 3 o'clock on Thursday, and we'll talk
14 about where we are on the substance of it. And then we can
15 also, as needed, talk about the procedural issues as well, and
16 then we'll loop back to scheduling. So but again, I'll look
17 for the scheduling order if it gets sent my way in the
18 meantime.

19 MR. NATHAN: Thank you, Your Honor. And the only
20 remaining item would be with respect to the other adversary
21 proceeding on the nondischargeability.

22 You mentioned that it is teed up. Our reply is coming
23 in on May 22nd. And I think Your Honor mentioned the
24 possibility of argument on that motion. The Freeman plaintiffs
25 would be happy to appear for our argument and answer any

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1 questions that the Court may have. And if you would like to
2 schedule that now or discuss it any further, we're available.

3 THE COURT: I confess, I would like to schedule it
4 now. I've got a couple of cases that are things that I need to
5 bring to closure shortly. So what I'd like to do is let's talk
6 about that on Thursday. May be in a better position to get you
7 a date at that point. But my intent would be to schedule it
8 fairly promptly. If we can do that in June, that would be the
9 thought.

10 MR. NATHAN: Thank you.

11 THE COURT: All right. All right. Counsel.

12 MR. BERGER: No, Judge. I'm just, I guess, at this
13 point, I guess we'll need just an adjourn date for a status
14 conference.

15 THE COURT: Yeah. We can schedule that now. I would
16 think in this case that thirty days out seems to make the most
17 sense, or thereabouts, although we're obviously getting
18 together Thursday. So I would say June 17th.

19 MR. FISCHOFF: Could we possibly make that the 18th?
20 On the 17th, I have some other --

21 THE COURT: Well, Ms. Ebanks prevents me from running
22 afoul of the space time continuum by giving me dates. So I
23 don't have the 18th listed on here.

24 So I could go later, the 24th, or earlier, the 7th?

25 MR. BERGER: No, I can't do the 7th, Judge.

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1 MR. FISCHOFF: So 24th.

2 THE COURT: So let me ask folks if that's too far out
3 or your views.

4 MR. DUBLIN: Your Honor, Phil Dublin, Akin Gump, on
5 behalf of the committee.

6 Your Honor, that's fine for a status conference. If
7 we don't see progress on a number of the issues that we've gone
8 through today, it's possible we're seeking relief before then
9 along the lines that Your Honor hinted at with the trustee or
10 otherwise. So we can do that for now, but we may --

11 THE COURT: All right.

12 MR. DUBLIN: -- look to expedite things.

13 THE COURT: All right. Well, it also means you could
14 use that as an omnibus date to put whatever you need to put on
15 for that date.

16 MR. DUBLIN: Understood, Your Honor.

17 THE COURT: All right. Thank you very much.

18 On behalf of the Freeman plaintiffs, any other
19 thoughts on that?

20 All right.

21 MS. STRICKLAND: No, Your Honor.

22 THE COURT: All right. So we use the 24th. We'll
23 make it 11 o'clock. And we will talk again Thursday.

24 I will just say this. We obviously have a very
25 specific thing to talk about on Thursday. To the extent that

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1 there are other things we can talk about on Thursday would help
2 move things forward, I'm fine with doing that, with one caveat.
3 It can't be a surprise. Nobody can say, well, I know I didn't
4 say anything to anybody, but I want to talk about this on
5 Thursday.

6 So if there's something that would be helpful, you
7 just got to vet it with the other side and let people know.
8 Keep them in the loop. Again, progress takes a lot of
9 different forms. And if we can make progress, I'm all in
10 favor. But again, I'm not trying to surprise anybody or make
11 things inefficient.

12 So we're on for the 24th at 10. We're on for this
13 Thursday at 3 by Zoom.

14 And with that, let me ask if the debtors have anything
15 else.

16 MR. BERGER: Just one question. I thought you said 11
17 o'clock on the 24th, Your Honor.

18 THE COURT: Yeah. I'm sorry.

19 MR. BERGER: Just so we have it --

20 THE COURT: You're entirely correct. Yes.

21 MR. FISCHOFF: Okay.

22 THE COURT: Thank you.

23 MR. BERGER: Thank you.

24 MR. FISCHOFF: And we're carrying the creditors
25 committee motion to compel the reports to that day also?

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1 THE COURT: Correct.

2 MR. FISCHOFF: Okay.

3 MR. BERGER: Okay.

4 THE COURT: And they'll give an update, let's say,
5 since it's the 24th, maybe a week ahead of time on what issues
6 remain outstanding in terms of disclosure.

7 All right. Anything else from the debtor?

8 MR. BERGER: That's it, Your Honor. Thank you very
9 much.

10 THE COURT: All right. Thank you.

11 Anything else from the Freeman plaintiffs?

12 MS. STRICKLAND: No, Your Honor. I just had one
13 question. The MOR for April is getting filed tomorrow?

14 MR. FISCHOFF: Friday.

15 MR. BERGER: Right. Friday.

16 MS. STRICKLAND: I was just thinking that might come
17 up on Thursday, so I wanted to flag it.

18 THE COURT: All right. Well, I think we've probably
19 said as much as we can say on that.

20 Anything else from the committee?

21 MS. BIBLO BLOCK: No, Your Honor. Thank you.

22 THE COURT: All right. Thank you very much.

23 I'll await a proposed order denying without prejudice
24 the motion for relief from the automatic stay. I assume that
25 would come from the committee and/or the Freeman plaintiffs. I

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1 would think that that order should contain language to make it
2 very clear to anyone who might be an inquiring mind in the
3 District of Columbia who is not a bankruptcy professional that
4 that means the stay remains in place in all respects. It can
5 hopefully do some double-duty that way.

6 And so I'd ask that that order be circulated before
7 it's provided to chambers. And if for some reason there's some
8 issue, some dispute about language, we can talk about that on
9 Thursday. I'll put that on the agenda on Thursday so it won't
10 languish. And I think that's all I got, so with that, thank
11 you very much.

12 MS. SCHWARTZ: Judge, are we still having the
13 conference on Friday at 11?

14 THE COURT: No, no, Friday's off.

15 MS. SCHWARTZ: That's all moved to Thursday?

16 THE COURT: Thursday is the new Friday. Yes.

17 MS. SCHWARTZ: Okay. Thank you.

18 THE COURT: So at Thursday at 3 o'clock. Nothing on
19 Friday. Thanks.

20 MS. SCHWARTZ: Thank you.

21 THE COURT: Thanks for pointing that out.

22 All right. Thank you very much. Have a good
23 afternoon.

24 IN UNISON: Thank you, Your Honor.

25 (Whereupon these proceedings were concluded at 1:06 PM)

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| without prejudice | | |

C E R T I F I C A T I O N

I, River Wolfe, certify that the foregoing transcript is a true
and accurate record of the proceedings.



River Wolfe (CDLT-265)

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May 14, 2024

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